

Agenda

Environmental Protection Commission

November 15, 1999

Noon (approximate)

Wallace Foundation Learning Center
53020 Hitchcock Avenue
Lewis, Iowa

The Commission will meet at 10:00 a.m. at Wallace Foundation to leave for a tour of Milk Unlimited, Inc. – The Commission will return to Wallace Foundation following the tour, and will begin their meeting approximately at noon.

Public Participation

1:00 p.m.

Agenda topics

1. Approve Agenda
 2. Approve Minutes of October 18, 1999
 3. Director's Remarks
a) Iowa Waters Initiative
 4. Approval – Tire Environmental Service Compliance Assistance Contract
 5. Contract Amendment – National Older Workers Career Center (NOWCC)
 6. Contract Extension – Marketing Works
 7. Monthly Reports
 8. Registry of Hazardous Waste or Hazardous Substance Disposal Sites & Hazardous Waste Remedial Fund Annual Report – 1999
 9. Notice of Intended Action - - Chapter 22, Revise Cap on Annual Title V Operating Permit Fees (**TABLED**)
 10. Notice of Intended Action - - Chapter 23, Adoption by Reference of NESHAPS
- Paul Johnson
- Roya Stanley (**Decision**)
- Roya Stanley (**Decision**)
- Roya Stanley (**Decision**)
- Mike Valde (Information)
- Mike Valde (Information)
- Mike Valde (^{DECISION}Information)
- Mike Valde (**Decision**)

11.	Proposed Revision - State Implementation Plan for PM ₁₀ for Mason City	Mike Valde (Decision)
12.	Nonpoint Source Pollution Control Project Contracts	Mike Valde (Decision)
13.	Wellhead Protection Plan	Mike Valde (Decision)
14.	Clean Water State Revolving Fund (CWSRF) Intended Use Plan – FY 2000	Mike Valde (Information)
15.	Interagency Agreement for the Polk County Air Quality Division Program	Mike Valde (Decision)
16.	Referrals to the Attorney General a) Albert Fleming (Clayton County)	Mike Murphy (Decision)
17.	Legislation Package – 2000	Paul Johnson (^{Info} Decision)
18.	General Discussion	
19.	Address Items for Next Meeting	
<div> <div>Next Meeting Dates</div> <div> December 20, 1999 January 18, 2000 February 21, 2000 </div> </div>		

ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 15, 1999

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

DAN VEST	GROWMARK, INC.	Bloomington, IL.
STEVE BUYER	MIDAMERICAN	Des Moines
Chris Gruenhagen	Iowa Farm Bureau	WDSM
Dub Kozel	LEB	Dm
Gregory Henderson	ABI	Om
Jack Clark	IWA	Om
Linda Kuman	IAWA	Dm
Brooke Semmon	DMWW	Dm

RECORD COPY EPC Meeting
File Name ADM-1-1-1
Reviser Initials JES Nov. 1999

DF JAN 2000

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

NOVEMBER 15, 1999

WALLACE FOUNDATION LEARNING CENTER
LEWIS, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Ehm at 12:30 p.m. on Monday, November 15, 1999, at the Wallace Foundation Learning Center, Lewis, Iowa.

MEMBERS PRESENT

Elizabeth Christiansen
William Ehm, Chair
Rozanne King, Secretary
Kathryn Murphy
Gary Priebe
Terrance Townsend, Vice Chair

MEMBERS ABSENT

James Braun
Randal Giannetto
Rita Venner

Chairman Ehm reported that Rita Venner phoned to say she was recuperating from surgery and would not be able to attend the meeting.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

Chairman Ehm reported that Item #17 – Legislation Package should be changed to an Informational item rather than Decision. He also noted that Item #9 – Title V Operating Permit Fees should be a Decision item rather than Informational.

Motion was made by Terrance Townsend to approve the agenda as amended. Seconded by Elizabeth Christiansen. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Terrance Townsend to approve the meeting minutes of October 18, 1999 as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT**Iowa Waters Initiative**

Paul Johnson, Director, spoke about the Iowa Waters Initiative and the REAP Program and related that they could be funded out of the Infrastructure Fund. He noted that there is a general feeling that there is some water quality problems. He expanded on the impaired waters list, the TMDL process, and the hypoxia issue. Director Johnson stated that we know how to fix these things and with a proactive voluntary approach great strides can be made. He related that the tools are available and the process has been tested, with a positive impact. He added that putting together the initiatives is not a regulatory approach but is one that recognizes that nonpoint issues are very important. Director Johnson noted that there are five parts to the initiative, although there are not specifics on it yet as the Department is working with DALs, Extension Service and others on this plan. The five parts are as follows: 1) An accelerated effort to encourage the installation of vegetative buffers along rivers, streams and the contours in the State; 2) Continue to work on integrated farm management approach and encourage farmers to establish small wetlands to lower nitrate levels in the water; 3) Encourage watershed alliances and coalitions to get people involved in their homeplace and focus it around impaired waters; 4) Increase water monitoring efforts; 5) Continue to upgrade the GIS system. He expanded on details of each of the five efforts within the Iowa Waters Initiative.

Introduction

Chairman Ehm introduced Bob Ramsey from the Wallace Foundation and thanked him for hosting the EPC meeting.

Bob Ramsey presented a history and overview of the Wallace Foundation and its programs.

PUBLIC PARTICIPATION

Chairman Ehm announced public participation at 1:00 p.m.

Chris Gruenhagen (legislation package)

Chris Gruenhagen, Iowa Farm Bureau Federation, stated that the IFB has concerns with the Department's legislative package because it is incomplete and vague. She distributed copies of the following written statement she presented to the Commission:

"The proposed legislative package concerns the Iowa Farm Bureau Federation because it is vague and incomplete. Having received the proposal a few days ago, we have more questions than answers. In good conscience we cannot support a legislative package without specifics on its applicability, requirements, financial impacts and scientific basis.

Had dialog taken place or any draft language or specificity provided regarding the staff proposals, we may have been able to support portions of this package. We have policy in many of the areas outlined in the package.

Iowa law requires the department to consult with an advisory committee made up of producers, university experts, IDALS and NRCS regarding the implementation of current state law. If staff ~~has concerns with the current law, it has an obligation to consult with its advisory committee.~~ However, no discussion with the committee has taken place.

We have great concerns with a legislative package that lacks important details. Regulations must be reasonable and scientifically based. The proposals, if enacted, may have great consequences for the economic viability of producers. It is premature to support these proposals before details are available.

Attached is a preliminary list of questions regarding the staff's proposal."

The preliminary list of questions pertained to the following topics: MMP Requirements; Phosphorus; Nutrient Management Plans; AFO MMP's; Three Year Limit on Construction Permits; Signage; Registration of all livestock operations; Increase of separation distances beyond minimums required by law; Separation distances from streams and tile intakes; Prohibition of construction in flood plain; Permit fees; Environmental Audits; Groundwater Hazard Statement; SEPA; Protected Waters Area; Dumps; On-site wastewater systems; Local input on AFO siting.

TIRE ENVIRONMENTAL SERVICES, INC. COMPLIANCE ASSISTANCE CONTRACT

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

Project Description

The Commission is requested to approve the entering into a contract for the removal, processing, and recycling of an estimated 400,000 waste tires currently stored at the former Tire-Tech tire recycling firm of Muscatine.

The contract will provide the new business that has taken over the operation, Tire Environmental Services, Inc. of Muscatine, with funds needed to bring the site into compliance with the requirements of the waste tire processing permit for the site. Estimated value of the contract is \$268,000.

This contract implements the goals of Iowa Administrative Code Chapter 218, "Waste Tire Stockpile Abatement Program," to abate waste tire stockpiles and to provide assistance to permitted sites with compliance issues, in order to minimize risks that the current situations pose

to the environment, or to public health, safety or welfare, through awarding of contracts by the department.

Site History

- Tire-Tech was issued a permit in December of 1995 to operate a tire shredding facility.
- Owners were two brothers, Robert and Lester Taylor. Tire-Tech's main product was tire chips, shredded into 2" pieces, for use as a tire-derived fuel supplement at Grain Processor's Corporation (GPC) of Muscatine.
- In 1996 Tire-Tech violated numerous permit conditions, including amounts of tires that could be stored, volumes of individual tire piles, and fire lane requirements.
- The Department issued administrative orders in 1997 requiring the operation to comply with permit conditions. Tire-Tech failed to comply with the orders, and in September of 1998 a consent decree was issued by the district court requiring compliance by November 1, 1998.
- Attorney General's Office sought injunctive relief against Tire-Tech in a May 1998 proceeding in district court, as the consent decree was not complied with. The State sought compensation of up to \$500,000, as if the state was forced to complete cleanup, it was estimated that costs for coordination and cleanup could approach that amount. Court only awarded State \$25,000, as court felt that Tire-Tech tried to complete requirements, but had spent all of their capital and were insolvent.
- In January of 1999 the mortgage holder of the property, Mr. Terrence Mealy, attempted to assist Tire-Tech through providing additional capital, equipment, and advisement to see if the situation could be resolved, so as to prevent the Taylor's and Tire-Tech from defaulting on the mortgage.
- With the insolvency of Tire-Tech, and no solutions in sight, Mr. Mealy has foreclosed against the Taylor's, and has submitted a permit application to the Department to continue the operation.
- Mr. Mealy and his new company, Tire-Environmental Services, Inc., have requested this permit compliance assistance, in order to return the operation to a profitable and well managed company.

Conditions of Proposed Contract

The contract provides the following terms and conditions to Tire-Environmental Services:

- Firm receives \$67.00 per ton to process the estimated 400,000 tires at the site.
- All tires must be processed within a 12 month period
- Firm will submit scale tickets to verify weights of tires, and no other tires, other than those currently on site, may be covered by the contract
- Firm will comply with operating terms of permit and will post appropriate financial assurance to cover all tires stored at site.
- If the tires currently on site are not effectively removed by Tire-Environmental within the time frame provided, Tire-Environmental will receive no further financial assistance and will be subject to enforcement actions for any tires remaining.
-

Benefits to State

If accepted, the contract will provide the following benefits to the State:

- The \$67.00 per ton cost would be an economic savings to the State's waste tire fund, as Tire-Environmental has greater efficiencies than other, off-site tire abatement contractors would have. (Note: Recent contract award at the Don Ervin Stockpile in Ft. Dodge was \$73.95 per ton)
- Cleanup of the site would begin immediately, as financial assistance to a permitted processor does not require the request for proposal (RFP) process timeframe that has been used for bidding at abandoned, nuisance stockpiles.
- Completion of the clean up will ensure that eastern Iowa can continue to be served by a local waste tire processor, and will ensure that a local end-user of tire products, Grain Processor's Corporation (GPC), remains as a consumer of shredded tire products.

Reference to Administrative Rules

Iowa Administrative Code Chapter 567-218 "Waste Tire Stockpile Abatement Program" provides means to assist permittees with compliance issues by the awarding of financial assistance, subject to the following provisions that Tire-Environmental has complied with:

- The site must rank relatively high in the nuisance criteria described in Ch. 218 *(site is in the middle of the City of Muscatine, near a waterway which drains directly into Mississippi River, and is within two blocks of a residential area)*
- Permittee must submit a compliance plan with the following information:
 - a description of proposed actions for the tire removal
 - a description of the end-use the tires will be processed for
 - a time schedule for processing and removing the waste tires
- Permittee must conduct work using the most cost effective alternative available
- Permittee must submit an estimate of the net cost of processing and removing the waste tires

This contract will allow the Department to mitigate an ongoing non-compliance issue of substantial risk to the environment and public health in Muscatine. The contract would provide the Department with a solution to the problem that is not only timely, but the most cost effective, while providing an opportunity to ensure that a viable waste tire processor, and an associated end-market, remain available in eastern Iowa.

Ms. Stanley reviewed details of the contract noting that it will allow the Department to mitigate an ongoing non-compliance issue.

Discussion followed regarding GPC's equipment; how this project will work for the new contractors; whether the Department should continue to put money into these operations or stop them in the permitting process; and how to avoid this type of situation in the future.

Motion was made by Rozanne King to approve the Tire Environmental Service Compliance Assistance contract. Seconded by Elizabeth Christiansen.

Terrance Townsend asked if they have a firm contract with GPC for the 400,000 tires.

Ms. Stanley indicated they do have a contract with GPC.

Gary Priebe asked if Mr. Mealy held the mortgage on the property where the Taylor's were operating, and the Taylor's go broke, why Mr. Mealy would not be charged with cleaning up.

Ms. Stanley stated that Mr. Mealy has successfully insulated himself, legally, from any legal requirement to clean up the tires. She related that he holds the mortgage but not the title.

Gary Priebe commented that the Department should maybe forego the contract, clean up the property themselves and then sell it to recoup some of the costs.

Ms. Stanley pointed out that would cause a serious delay to go that route and would lose a viable business in the SE part of the state.

Gary Priebe expressed concern that the department continues to give money away to these people and there are businesses in Des Moines that have been established for years that do not get any help. He related that he does not like any thing about this contract.

Director Johnson stated that a lot of time is spent on these issues trying to get the best advice possible, and the staff also get frustrated with people taking advantage of the system, but he has instructed staff to move as quickly as possible to get some of the large tire piles cleaned up.

Vote on Commissioner King's motion to approve the contract carried unanimously.

APPROVED AS PRESENTED

CONTRACT AMENDMENT – NATIONAL OLDER WORKERS CAREER CENTER (NOWCC)

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department is requesting approval to amend an existing contract with the National Older Workers Career Center (NOWCC) for employment of a qualified individual in a technical report writer position within the Waste Management Assistance Division's Waste Reduction Assistance Program (WRAP). Due to the benefits of economies of scale, this position will be grouped with the other Department positions currently covered by the referenced agreement. The budget amount of this amendment will not exceed \$45,000. Funding for the amended portion of the contract will be provided by a U.S. EPA grant with an equal amount of matching tonnage fee funds. Source of state funding is the portion of the solid waste account appropriated for WRAP.

BACKGROUND: The Waste Reduction Assistance Program (WRAP) provides pollution prevention technical assistance services to Iowa businesses, industries and institutions. This voluntary program is provided at no cost to its customers and is confidential and non-regulatory. The program relies on part-time field engineers to perform onsite pollution prevention opportunity assessments. Following the assessments, a customized report describing cost saving waste reduction recommendations is prepared and distributed to customers.

The National Older Worker Career Center, a nonprofit agency, operates the Senior Environmental Employment (SEE) Program. The program serves a diverse group of individuals age 55 and over who are retired, semi-retired, or unemployed and want to continue as productive members of their communities. The SEE Program now serves approximately 800 workers in 29 locations nationwide including four positions with DNR's Air Quality Bureau.

BENEFITS: Traditional hiring practices have proven difficult with the low state unemployment rate. The National Older Worker Career Center has demonstrated that it has the experience and expertise to recruit individuals qualified to fulfill the responsibilities of technical job assignments similar to the WRAP report writer position described herein. A position dedicated to preparing and writing WRAP's assessment reports will greatly increase customer service capabilities through faster turnaround times and improved report quality.

Ms. Stanley presented details of the contract.

Gary Priebe asked what a Technical Report Writer position entails.

Ms. Stanley replied that the person in that position has the opportunity to gather information from each portion of the entire team (in-house and on-site) and compiles it all together in a report to be a useful document to industry.

Rozanne King noted that she was curious about the compensation to these employees.

Ms. Stanley stated that in the past the WRAP positions have been paid in the area of \$15 - \$18/hour. Pete Hamlin indicated that some of these positions currently under this contract pay anywhere from \$10 - \$17/hour.

Motion was made by Elizabeth Christiansen to approve the National Older Workers Career Center Contract Amendment. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

MARKETING WORKS CONTRACT EXTENSION

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

This is to request that the EPC approve the amendment and extension of personal services contract #99-9220-03 for Patti Allen. The amended total amount of the contract will become \$69,325. The contract term of service will extend through June 30, 2001.

For approximately the past two years the Waste Management Assistance Division has contracted with outside consultants to help develop and implement a number of marketing and public relations strategies designed to enhance the Division's communications objectives.

In February 1999, the Division hired an Information Specialist 3 to guide the Division's communications efforts. After several months of acclimating to the position, the IS3 determined there was sufficient need and value to retaining the services of the outside consultant for selected projects for a trial six-month period. The end of that trial period was Nov. 8, 1999. It is the opinion of the IS3 and the Division Administrator that the services of the outside consultant have proven invaluable to the Division and we wish to amend the original six-month contract to extend the contract through the end of fiscal year 2001 (June 30, 2001), approximately 18½ months. The rate of payment remains the same (\$90/hour, not to exceed 30 hours/month), and the amount of the contract increases to \$53,325, for a total of \$69,325.

Ms. Stanley reviewed the contract in detail.

Brief discussion followed.

Motion was made by Gary Priebe to approve the contract extension with Marketing Works. Seconded by Kathryn Murphy. Motion carried unanimously.

Gary Priebe asked that the Commission be provided with periodic updates on their activities.

APPROVED AS PRESENTED

MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT November 1, 1999

PROPOSAL	NOTICE TO COMM	NOTICE PUBLISH	RULES REVIEW COMM	HEARING	FINAL SUMMARY TO COMM	RULES ADOPTED	RULES PUBLISH	RULES REVIEW COMM	RULE EFFECTIVE
1. Ch. 22 - Revised Cap - Title V Permits	11/15/99	*12/15/99	*1/04/00	*1/14/00	*2/21/00	*2/21/00	*3/13/00	*4/03/00	*5/14/00
2. Ch. 23 - Adoption by Reference - NESHAPS	11-15-99	*12-15-99	*1/04/99	*1/14/00	*2/21/00	*2/21/00	*3/13/00	*4/03/00	*5/14/00
3. Ch. 60, 62, 63 - Monitoring, Reporting and Analytical Requirements	10/18/99	*11/17/99	*12/07/99	*12/10/99	*1/17/00	*1/17/00	*2/09/00	*3/07/00	*4/03/00
4. Ch. 61 - WQ Standards - Nationwide Permits					10/18/99	10/18/99	*11/17/99	*12/07/99	*12/22/99
5. Ch. 64 - Stormwater Permits	4/19/99	5/19/99	6/08/99	6/18/99	10/18/99	10/18/99	*11/17/99	*12/07/99	*12/22/99
6. Ch. 135 - USTS-MTBE Analyzing Requirements	6/21/99	7/14/99	8/09/99	----- --	9/20/99	9/20/99	10/20/99	11/02/99	*11/24/99

VARIANCE REPORT

Monthly Variance Report October, 1999						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Heartland Press, Inc.-Spencer	Air Quality		Permit Requirements	Approved	10/21/99
2	PCS Nitrogen Fertilizer, LP-Clinton	Air Quality		Permit Requirements	Approved	10/12/99
3	Lone Tree, City of	Wastewater Construction	Hart-Frederick Consultants	Curtain Wall	Approved	10/27/99
4	Sheldon Recreation Trail Bridge-Sioux County	Flood Plain	Schlotfeldt Engineering, Inc.	Freeboard	Approved	10/14/99

5	Meminger Metal Finishing- Eldridge	Wastewater Operation	Shive Hattery Engineers	Monitoring Frequency	Approved	10/01/99
6	Clear Lake Camp-Home Owners Association-Cerro	Watersupply Construction	Yaggy Colby Associates	Construction Materials	Approved	10/27/99

REPORT OF HAZARDOUS CONDITIONS

During the period October 1, 1999, through October 31, 1999, 53 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	52(52)	40(28)	7(11)	5(13)	22(20)	0(2)	29(24)	1(1)	0(0)	0(5)
Nov.										
Dec.										
Jan.										
Feb.										
Mar.										
Apr.										
May										
Jun.										
Jul.										
Aug.										
Sept.										

(numbers in parentheses for the same period in fiscal year '99)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
7	5	5	12	16	7

ENFORCEMENT STATUS REPORT

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
GKN Armstrong Wheels, Inc. d/b/a Armstrong Rim & Wheel Mfg. Co., Armstrong (5)	Air Quality	Construction Without Permit	Order/Penalty \$6,000	10/06/99
Electro-Coatings, Inc.; Shaver Road Investments, Cedar Rapids (1)	Hazardous Condition	Remedial Action	Consent Order	10/07/99
Parkersburg, City of (2)	Wastewater	Compliance Schedule; Discharge Violations; Operational	Order	10/11/99

		Violations			
Osceola, City of (5)	Wastewater	Compliance Schedule; Discharge Violations; Operational Violations	Order/Penalty \$5,000	10/11/99	
Logan, City of (4)	Wastewater	Compliance Schedule; Discharge Violations; Operational Violations	Order	10/11/99	
Riddell Farms, Inc., Pocahontas Co. (3)	Animal Feeding Operation	Prohibited Discharge- Confinement; Water Quality Violations-General Criteria	Order/Penalty \$2,000	10/13/99	
Rocky Knoll Mobile Home Park, Forest City (2)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate, Organics, Radioactivity; Public Notice	Order/Penalty \$3,000	10/13/99	
Swine Graphics Enterprises; Isopork Partners, Franklin Co. (2)	Animal Feeding Operation	Prohibited Discharge- Confinement; Water Quality Violations-General Criteria	Consent Order/ Penalty \$5,000	10/18/99	
Enviro Safe Air, Inc., Sioux City (3)	Air Quality	Asbestos	Referred to AG	10/18/99	
Daryl and Karen Hollingsworth Indianola (5)	Underground Tank	Financial Responsibility	Referred to AG	10/18/99	
Jim Walker, Iowa City (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to AG	10/18/99	
Iowa Millenium Investors, LLC Des Moines (5)	Underground Tank	Site Assessment	Referred to AG	10/18/99	
Wallace Computer Services Inc. Osage (6)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	10/21/99	
Midland International Tileworks, Inc., Redfield (5)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	10/21/99	
Tops Business Forms Inc. a Division of Wallace Computer Services, Inc., Osage (2)	Air Quality	Construction Without Permit	Order/Penalty \$1,000	10/21/99	
Resurrection Children's Day Care Center, Dubuque (1)	Drinking Water	MCL – Bacteria; Public Notice	Order	10/22/99	
Bowlaway Lanes, New Hampton (1)	Drinking Water	Monitoring/Reporting – Nitrate; Public Notice	Order/Penalty \$100	2/23/99	
Country Terrace Mobile Home Court, Boone (5)	Drinking Water	Monitoring/Reporting – Bacteria, Other Inorganics, Organics, Radioactivity; MCL –	Order/Penalty \$5,000	2/25/99	

Radioactivity; Public Notice

SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,530	6-05-97
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Albert Fleming (Clayton Co.)	FP	2,000	9-06-98
# Vande Haar Dairy Farm (Marion Co.)	AFO	3,000	9-15-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Russ Winkowitsch (Butler Co.)	FP	500	3-06-99
Plantation Village Mobile Home Park (Burlington)	WS	500	3-13-99
Plantation Village Mobile Home Park (Burlington)	WW	2,000	3-13-99
Bowlaway Lanes (New Hampton)	WS	100	4-20-99
Full Moon Saloon (Jesup)	WS	500	4-23-99
* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,200	5-15-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Norman Klynsmas d/b/a OK One Stop Service (Hospers)	UT	2,460	6-08-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
Koch's Meadow Lake Campground (Cedar Co.)	WS	200	10-01-99
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	100	11-01-99
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	1,000	11-01-99
Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
* Hidden Valley Mobile Home Park (Washington)	WW	250	11-12-99
#Gary Frana (Winneshek Co.)	AFO	3,000	10-13-99
# Robert McDonald (Pottawattamie Co.)	AFO	2,000	10-27-99
Somsak Phisith (Polk Co.)	SW	1,015	10-31-99
* Robert Simon (Dubuque Co.)	AQ/SW	2,000	11-01-99
Ethel Mann d/b/a White Springs (McGregor)	WS	1,000	11-01-99
*#Verton S. Miller (Johnson Co.)	AFO	300	11-01-99
Klunder's Kafe (New Hampton)	WS	100	11-02-99
Climax Molybdenum Company (Ft. Madison)	AQ	5,000	11-20-99
GK Properties, Inc.; Greenwood Hills Estates, L.C. (Dallas Co.)	WW	6,500	11-29-99
Minifarm Acres, Inc. (Cedar Co.)	WS	5,000	11-29-99
Michael Roberts (Page Co.)	AQ	1,500	11-30-99
Richard Marshall (Cass Co.)	SW	2,100	12-03-99
Osceola, City of	WW	5,000	12-13-99
GKN Armstrong Wheels, Inc. d/b/a Armstrong Rim & Wheel Mfg. Co. (Armstrong)	AQ	6,000	12-14-99
* R.V. Hopkins, Inc. (Davenport)	AQ	9,700	12-16-99
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000	12-17-99

Winneshiek Co. Memorial Hospital (Decorah)	AQ	600	12-20-99
James Harter (Fairfield)	WW	1,800	-----
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	-----
Plum Enterprises; Clinton Graham (Polk Co.)	SW	1,000	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
# Darwin Eimers; David O'Brien (Bremer Co.)	AFO	4,000	-----
Wallace Computer Services, Inc. (Osage)	AQ	1,000	-----
TOPS Business Forms, Inc. (Osage)	AQ	1,000	-----
Midland International Tileworks, Inc. (Redfield)	AQ	2,000	-----

TOTAL 133,130

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.,; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
Pewe Mercantile, Inc.; Dion Pewe (Grand Mound)	UT	10,000	9-20-98
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	5-01-98
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Spillway Supper Club (Harpers Ferry)	WS	100	3-14-99
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	

TOTAL 138,154

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
LeMars, City of	WW	5,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
Tom Wiseman (Sheffield)	UT	3,500
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Dallas County Care Facility (Adel)	WW	2,500
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Ron Rupe (Polk Co.)	SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition;	AQ/SW	1,000
Clara Lindstadt (Des Moines Co.)		
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Sylvan Acres (Janesville)	WS	1,000

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Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Brittany Estates Addition (Manchester)	WS	4,000
Country Pumpkin (Deloit)	WS	500
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Comm.	SW	9,000
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Stellar Industries, Inc. (Garner)	AQ	3,000
Iowa Mold Tooling Co., Inc. (Garner)	AQ	5,000
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	5,000
North Central Cooperative (Clarion)	WW/HC	2,000
# Austin J. DeCoster (Nursery 8) (Wright Co.)	WW	1,000
Sac City, City of	WW	4,000
Rockwell City, City of	WW	10,000
Enviro Safe Air, Inc. (Creston)	AQ	10,000
Pathway Christian School (Kalona)	WS	500
Pictured Rocks Methodist Camp (Monticello)	WS	700
Wiese Corporation (Perry)	AQ	5,000
Ben Haven Mobile Home Park	WS	5,500
West Liberty, City of	WW	5,000
The Legacy Group, L.C. (Des Moines)	WW	10,000
The Elm's Corporation of Linn County (Cedar Rapids)	UT	4,700
Eagle Lane Corp. (Blue Grass)	WS	4,000
Barr Farm Venture; Mel Foster Co. Properties (Scott Co.)	WW	10,000
Casey's General Stores, Inc. (Johnston)	UT	8,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
Underwood Motel (Underwood)	WS	4,000
Kraus's Serene Wooded Acres (Amana)	WS	500
Keokuk Steel Castings Co., Inc. (Keokuk)	AQ	10,000
Dyersville Golf and Country Club (Dyersville)	WS	1,500
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
Wareco System of Iowa, Inc. (Burlington)	UT	6,100
Dennis Sharkey, Sr.; Dennis Sharkey, Jr. (Dubuque Co.)	AQ/SW	10,000
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Dayton, City of	WW	10,000
Williamsburg Manufacturing (Williamsburg)	AQ	3,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Woolstock, City of	WW	5,000
Fayette County Sanitary Landfill	SW	7,500
Shenandoah, City of	WW	5,000
Ivan Stoltzfus (Decatur Co.)	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Mid-County Water, Inc.; Spring Green Estates (Toddville)	WS	500
Anthony's Resort (Sherrill)	WS	2,100
Snap-On Tools Company (Algona)	AQ	1,500
Horsley Specialties, Inc. (Des Moines)	AQ	5,000
Hargrave-McEleney, Inc. (Iowa City)	WS	1,000
Flying J Inc. (Clive)	WW/UT	10,000

CGB Printing Co. a/k/a Rock Communications Ltd. (Newton)	AQ	10,000
Big Rock Country Club (Fayette)	WS	500
Wilcox All-Pro Tool & Supply (Poweshiek Co.)	WW	1,800
# Aaron Tolander (Louisa Co.)	AFO	3,000
Glidden, City of	AQ	1,500
Fairfield, City of	AQ/SW	10,000
GKN Armstrong Wheels, Inc. (Estherville)	AQ	3,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
Ashley Inn Motel & Trailer Court (Mason City)	WS	500
Muscatine County Sanitary Landfill	SW	10,000
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000
Beatrice Group Inc. (Fredericksburg)	AQ	5,000
Case Corporation (Buflington)	AQ	3,000
Brogan's Pub & Grub (Palo)	WS	350
National By-Products, Inc. (Clinton)	AQ	1,500
Parker Industries, Inc. (Jefferson)	AQ	500
#Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Shine Bros. Inc. (Spencer)	AQ	10,000
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
Joe Denemark d/b/a Walnut Acres Campground (Monticello)	WS	1,000
Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	AQ	3,000
Dave & Theresa Cook d/b/a Curry Environ. Svc.(Burlington)	AQ	10,000
McGregor, City of	WS	5,000
Stellar Industries, Inc. (Garner)	AQ	7,000
Fernald Water System	WS	10,000
Armstrong, City of	WS	4,000
Brown Bottle Restaurant (Cedar Falls)	WS	7,000
Lorene Logue; Lester Holmes; Todd Holmes (Lucas County)	AQ	4,500
Sac County Golf and Country Club (Wall Lake)	WS	3,000
Kenny Habben (Pioneer)	AQ	5,000
Crawfordsville, City of	WS	500
Casey's General Store (Hills)	WS	600
Tara Hills Country Club (Van Horne)	WS	500
Barilla America Inc. (Ames)	AQ	10,000
Camp Iodiseca (Solon)	WS	500
TOTAL		575,725

The following administrative penalties were paid last month:

Paris & Sons; Thomas Paris (Masonville)	WW/HC	5,000
* Jeff Bendickson; Karen Bohl (Manhly)	AQ/SW	50
Williams Pipeline Company (Sioux City)	AQ	3,000
* Randy Foth d/b/a Foth Lumber Co. (Livermore)	AQ	500
The Barn (Sherril)	WS	200
Kind & Knox Gelatine, Inc. (Stipulated Penalty)	WW	6,200
Agriprocessors, Inc. (Postville)	AQ/SW	1,000
Elizabeth Flannegan (Emmetsburg)	SW	10,000
* Dakota Mobile Home Park (Oxford) PAID IN FULL	WW	375
Troy Elevator, Inc. (Troy)	WW/HC	500
Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash (Merrill)	WW	250
The Dexter Company (Faifield)	WW	2,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,210

# Charles Wirtz (Whittemore)	AFO	2,000
* R.V. Hopkins, Inc. (Davenport)	AQ	500
# Robert Fisher (Hamilton Co.)	AFO	3,000
Aeroplane Inn (Honey Creek)	WS	600
# Swine Graphics; ISOPORK Partners (Franklin Co.)	AFO	5,000
TOTAL		42,575

The \$500 penalty assessed to Mulgrew Oil (Dubuque) has been rescinded.

The \$500 penalty assessed to Crane Co. d/b/a Crane Valves (Washington Co.) has been rescinded.

The \$3,000 penalty assessed to Earth Media Technologies, Inc. (Polk Co.) has been rescinded.

ATTORNEY GENERAL REFERRALS

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co (6)	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations- General Criteria	Referred to Attorney General	Referred Petition Filed	3/15/99 9/13/99
Advanced Technologies Corp. Iowa City (6) UPDATED	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Order Granting Leave to Add Parties Trial Date Consent Decree (\$7,500/Civil)	6/20/97 6/05/98 2/17/99 9/27/99 9/28/99
Ballard, Randy Fayette Co (1) UPDATED	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 1/13/00
Bodensteiner, Edward Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	8/17/98 12/22/98
Citizens Against Golden Oval Winnebago Co (2) UPDATED	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Motion for Dismissal Resistance to Stay Hearing on Stay Petition for Stay Denied Ruling for State	8/20/99 9/07/99 9/07/99 9/07/99 10/05/99 10/05/99
DeCoster, A J Nursery Unit #3 Wright Co (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial Ruling for State Defendant's Notice of Appeal Defendant's Proof Brief Filed State's Brief	1/22/97 4/24/97 9/02/97 9/04/97 9/16-18/97 1/15/98 2/13/98 7/08/98 10/08/98
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
DeCoster, Austin J. Nursery Unit #4 Wright Co (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date Post Trial Brief	8/18/97 3/20/98 3/16/99 3/30/99

					Ruling on Petition (\$25,000/Civil) Defendant's Notice of Appeal	5/28/99 6/24/99
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)		Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	11/16/98
Enviro Safe Air, Inc. Sioux City (3)	NEW	Air Quality	Asbestos	Referred to Attorney General	Referred	10/18/99
Flannegan Conservation Service; Hugh J. Flannegan Emmetsburg (3)		Solid Waste	Operation Without Permit	Referred to Attorney General	Referred	11/16/98
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)		Air Quality	Open Burning	Order/Penalty	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Granted State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment Trial Date Ruling (\$3,500,000/Civil) Notice of Appeal	1/20/98 8/25/98 9/28/98 10/26/98 2/12/99 3/18/99 4/14/99 4/22/99 5/17/99
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)		Solid Waste	Illegal Disposal	Judicial Review	Petition Filed State's Answer Defendant's Brief State's Brief Hearing	10/19/98 11/17/98 7/23/99 8/24/99 9/09/99
Hahn, Oscar Solon (6)		Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Henry County Board of Supervisors Henry Co. (6)		Wastewater	Other; Operation Violations	Referred to Attorney General	Referred	2/15/99
Heyer, Roland; Aeroplane Inn Honey Creek (4)	UPDATED	Drinking Water	Permit Renewal Fee	Order/Penalty	Referred \$600 Admin Penalty Received	8/16/99 10/06/99
Holnam Incorporated Mason City (2)		Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Hollingsworth, Daryl & Karen Indianola (5)	NEW	Underground Tank	Financial Responsibility	Order/Penalty	Referred	10/18/99
Huyser, James; Trust Trucking Lovilia (5)		Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Iowa Millenium Investors, LLC Des Moines (5)	NEW	Underground Tank	Site Assessment	Order/Penalty	Referred	10/18/99
Knock, Markley d/b/a Knock's Building Supply Parkersburg (2)	UPDATED	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing \$2,210 Admin Penalty Received	6/21/99 9/13/99 10/12/99 10/12/99
LaFarge Corporation Davenport (6)		Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Larson, Daryl Jones Co. (1)		Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred	5/17/99
Lehigh Portland Cement Co. Mason City (2)		Air Quality	Construction Without Permit	Referred to Attorney General	Referred	8/17/98

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Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Morton, Greg; Brenda Hornyak Grand River (5) UPDATED	Solid Waste Air Quality Wastewater	Illegal Disposal; Open Burning; Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty	Referred Motion for Judgment Dismissed Without Prejudice	8/16/99 9/28/99 10/21/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction	12/15/97 10/02/98 2/04/99 4/19/99
Pewe Mercantile, Inc ; Dion Pewe Grand Mound (6)	Underground Tank	Insurance Violation; Site Check	Order/Penalty	Referred Petition Filed	11/16/98 4/08/99
Phillips, Jeff; Phillips Recycling Story Co. (5)	Wastewater	Stormwater; Operation Without Permit	Order/Penalty	Referred	8/16/99
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc ; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Sale-R-Villa Construction Co. Carl A. Burkhart Perry (5)	Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment Hearing	3/15/99 9/21/99 11/02/99
Spillway Supper Club Harpers Ferry (1)	Drinking Water	Permit Renewal Fee	Order/Penalty	Referred	6/21/99
Stamper, Ray; Bryan Zenor Polk Co. (5) UPDATED	Solid Waste	Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing	6/21/99 9/03/99 11/30/99
Village Realty Pottawattamie Co. (4)	Underground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss Order Granting Partial Dismissal	8/12/98 10/08/98 12/22/98
Walker, Jim Iowa City (6) NEW	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	10/18/99
Weber Construction, Inc. Cascade (1)	Air Quality	Asbestos	Petition for Review	Petition Filed Answer Filed Hearing Ruling for State Notice of Appeal	11/19/98 12/23/98 8/24/99 8/31/99 9/27/99
White, Robert Jeff Dallas Center (5) UPDATED	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice	4/20/98 2/05/99 9/24/99
Wunschel Oil Co ; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin) Referred	1/17/95 8/28/96 12/13/96 3/30/98
Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	5/17/99

CONTESTED CASES

Date Received	Name of Case	FO	Action Appealed	Program	Assigned To	Status
6-08-89	Shaver Road Investments	1	Site Registry	HW	Tack	Settled Consent order sent to responsible party for signature.
6-08-89	Hawkeye Rubber Mfg Co.	1	Site Registry	HW	Tack	Settled Consent order sent to responsible party for signature.
6-08-89	Lehigh Portland Cement Co.	2	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96.
5-08-90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	4	Admin. Order	SW	Tack	Permit issued. District court suit dismissed. Field Office overseeing compliance. Progress reports received.
6-20-90	Des Moines, City of	5	NPDES Permit Cond	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	6	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site. Checked status 6/9/99. No change.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	2	Admin Order/Penalty	SW	Tack	Settlement reached. Clean-up progress made. New deadline 10/1/99. Awaiting dismissal of appeal.
9-25-91	Archer Daniels Midland	6	Admin Order	SW	Tack	DNR engineers reviewing documents. Closure permit application due 8/1/99.
1-17-92	Hickory Hollow Water Co.	5	Admin Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94. Letter to attorney regarding appeal closure. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal. Dept. to offer settlement proposal.
4-09-92	Wayne Transports, Inc.	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Partial settlement reached.
11-16-92	Frank Hulshizer	1	Admin Order/Penalty	SW	Tack	Settled Tire pile to be cleaned up with abatement fund. Responsible party to assist in cleanup.
4-05-93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. To be set for hearing.
4-12-93	LeMars, City of	3	Admin Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96. Schedule received; under review by WW Permits. Dept. letter regarding resolution of appeal.
7-09-93	Oakwood Park Water, Inc.	5	Admin Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution. Response requested by 6/2/96. 5/30/96 - Response received indicating compliance and requesting waiver of penalty. 9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal. Dept. to offer settlement proposal.
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford (7LTY50)	4	Admin Order	UT	Wornson	Tier 2 submitted. Rejected. Revised Tier 2 submitted 8/3/99.
3-03-94	Burlington Northern Railroad		Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent. Response requested by 6/28/96. Follow-up letter sent. Response from company that appeal is being reviewed. Dept. letter to facility regarding closing appeal.
6-15-94	Lakeview Heights		Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 4/96. WS operation permit issued resolving all issues. Closed.
7-12-94	Tom Wiseman (8LTP62)	2	Admin. Order/Penalty	UT	Wornson	Compliance initiated 5/25/99.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service (8LT088)	4	Admin Order/Penalty	UT	Wornson	Placed on state lead. Dismissed without prejudice.
8-29-94	B and B Tire and Oil	4	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. High risk CADR due 12/31/99. Penalty to be settled.
9-02-94	Crabtree Lake Resort	5	Admin Order/Penalty	WW	Hansen	Facility in compliance. Facility has no discharge WW system. Letter to be sent resolving appeal.
9-09-94	American Coals Corp., Site 5 (Bussey)	5	Admin Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept of Agriculture resolution.
9-15-94	Bankston	1	Admin Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City regarding settlement. Letter to facility regarding resolving appeal.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin Order/Penalty	UT	Wornson	Consent order SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal.
9-26-94	James D. Foust	5	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW

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						Permits. Letter to facility regarding report. To be set for hearing.
11-14-94	Tom Babinat d/b/a Tom's Car Care	2	Admin Order/Penalty	UT	Wornson	Inability to pay - requested documentation -- no response State lead -- tanks removed. To be sent to DIA for hearing.
1-13-95	Simonsen Industries, Inc.	5	Admin Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff.
2-23-95	Lehigh Portland Cement	2	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96. To be set for hearing.
3-23-95	American Coals Corp.	5	Admin Order	SW	Tack	Awaiting consent order approval Awaiting Dept of Agriculture resolution.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	1	Permit Denial	AQ	Preziosi	Settled.
5-25-95	E.I. DuPont DeNemours (95-A-133)		Permit Conditions	AQ	Preziosi	Settled.
5-25-95	Fremont County SLF	4	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-269)		Permit Conditions	AQ	Preziosi	Settled.
6-20-95	Toledo, City of	5	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96. Dept. letter to facility's engineer regarding resolving appeal.
6-23-95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96 Response from facility due 6/28/96 Response received from facility 7/96.
7-10-95	Donald Krieger	3	Admin. Order/Penalty	UT	Wornson	Tanks removed. Dismissed without prejudice.
7-10-95	Gilbert Persinger/Smithland Store	3	Admin Order/Penalty	UT	Wornson	SCR received - rejected Review progress Proposed for state lead.
8-01-95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Negotiating penalty.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	6	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96 Letter 2/19/96 granting additional time for information 6/96 - additional information received by WS staff for review 7/96 - Request for variance, as modified, granted 8/96 - Construction permit for new well granted 10/96 - Letter to engineer regarding dismissal of appeal.
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin Order	WW/HC	Murphy	Negotiating before filing Attorneys contacted 2/99
10-17-95	Weber Construction, Inc	1	Admin Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC 6/6/97. Briefs due to EPC 9/4/97. ALJ decision upheld. Petition for review 11/19/98. Appealed to District Court. District Court affirmed final agency action. Awaiting appeal period..
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	3	Admin Order/Penalty	AQ	Preziosi	Settled Awaiting penalty payment
12-12-95	Vernon Kinsinger; K & K Sanitation	6	Admin Order/Penalty	AQ/SW	Tack	Clean-up progressing Working with FO #6 Receiving penalty payments.
1-11-96	Climax Molybdenum Company	6	Admin. Order/Penalty	AQ/HC	Preziosi	Settled. Awaiting penalty payment.
1-12-96	Clarence, City of	6	Admin Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6 9/96 letter from facility attorney stating construction completed.
1-25-96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3-11-96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-14-96	Laurel, City of	5	Admin Order	WW	Hansen	Information submitted by city under review by WQ section..
3-14-96	Lamoni, City of	5	Admin Order	WW	Hansen	Flow information requested from City's engineer New waste load allocation and permit limits requested.
3-19-96	Obie's West	1	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	6	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscataine Community School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review.
5-14-96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD Settlement offer and revised permit sent to facility 7/97. Response received 8/97 Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98 3/13/98 Dept received proposal from facility engineer 3/20/98 Dept review of proposal completed 8/98 - Letter to Grand Labs rejecting their proposal 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff
5-29-96	Haasco, Ltd.	1	Admin. Order/Penalty	AQ	Preziosi	Sent to DIA.
6-07-96	Clow Valve Company	5	Permit Conditions	AQ	Preziosi	Negotiating before filing. Settlement meeting set for 11/17/99. Hearing set for 12/14/99.
6-10-96	DeCoster Farms of Iowa (19 sites)	2	Admin Order	AFO	Clark	Proposed decision 11/25/96 Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	2	Permit Denial	WR	Clark	Proposed decision 11/25/96 Appealed to EPC 12/27/96.

6-19-96	Appanoose Co. Sanitary Landfill	5	Permit Denial	SW	Tack	Appeal dismissed 5/6/98. Closed.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	2	Permit Denial	AFO	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	2	Admin Order/Penalty	AFO	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart	1	Admin Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home Park	6	Admin Order/Penalty	WW	Clark	Penalty installments received. Settled pending receipt of all installments.
9/24/96	North Star Steel Iowa		Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32)	2	Admin Order	AFO	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.
12/02/96	Organic Technologies Corp	5	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court Briefs filed 2/99.
12/05/96	Organic Technologies Corp -----91-SDP-02-94P	5	Admin Order/Penalty Intended Permit Revoc.	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court Briefs filed 2/99.
1/02/97	Ruan Leasing Co., aka Ruan Transportation Management Systems	6	Admin Order	AQ	Preziosi	Negotiating before filing.
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	4	Permit Conditions	AQ	Preziosi	Settled.
3/20/97	Sylvan Acres	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
6/06/97	Carroll's Foods of the Midwest		Const. Permit Denial	WW	Clark	10/19/99 Appeal withdrawn. Closed.
7/22/97	CIPCO		Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
7/30/97	Country Pumpkin	4	Admin Order/Penalty	WS	Hansen	Returned to compliance for nitrate and bacteria sampling.
7/31/97	Advanced Technologies Corp.	1	Admin. Order/Penalty	AQ	Preziosi	Penalty paid 2/11/99. Closed.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	2	Admin Order	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC Affirmed 9/21/98. Appealed to District Court. Briefing scheduled to be complete 9/1/99. Oral arguments set for 9/9/99.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid Waste Mgmt. Comm.	1	Admin Order/Penalty	SW	Tack	Settlement reached with Fayette County. Hearing requested for Iowa Waste Systems.
8/18/97	Stellar Industries Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash	3	Admin Order/Penalty	WW	Murphy	Settled. Awaiting penalty payment.
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
10/6/97	North Central Cooperative	2	Admin. Order/Penalty	HC/WW	Murphy	Set for hearing 11/5/99.
11/19/97	Troy Elevator, Inc.	6	Admin. Order/Penalty	WW/HC	Murphy	Compliance achieved. Settlement offer 9/29/99.
12/02/97	Dows, City of	2	Admin Order	WW	Hansen	FO 2 inspection 3/98. To be set for hearing 4/99 - Letter received from City engineer regarding stream study.
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop Division	2	Notice of Intent to Revoke Solid Waste Permit; Denial of Application for New Waste Tire Mgmt Permit	SW	Murphy	Proposed decision 6/26/98. Appeal to EPC Affirmed 9/21/98. Appealed to District Court. Briefing scheduled to be complete 9/1/99. Oral arguments set for 9/9/99.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	2	Admin Order/Penalty	AFO	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant.
1/30/98	Rockwell City	3	Admin Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan.
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	4	Admin. Order/Penalty	AQ	Brabeck	Hearing set for 12/21/99.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp		Admin Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection on 6/29/98.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance complete. Review and close.
4/23/98	North Liberty, City of	6	Admin. Order	WW	Hansen	Negotiating before filing.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	1	Admin. Order/Penalty	WS	Hansen	Chlorination system installed by WS.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
7/27/98	Mitchell Dam Bar		Permit Conditions	WS	Hansen	Negotiating before filing.
7/29/98	Eagle Lane Corporation	6	Admin Order/Penalty	WS	Hansen	Water supply in compliance with monitoring requirements.
7/29/98	Archer Daniels Midland thru 98-A-507P thru 98-A-515P	6	Permit Provisions	AQ	Preziosi	Negotiating before filing.
8/13/98	Obie's Hurstville Tap	1	Admin. Order	WS	Murphy	Letter sent 2/26/99. On hold pending monitoring.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/15/98	Verton S. Miller	6	Admin. Order/Penalty	AFO	Clark	Penalty installment received 2/11/99. Settled pending

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						receipt of final penalty installment.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Kaizer	Settled. Partial penalty payment received.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up continuing.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested.
10/09/98	Elm's Corporation of Linn County (8LTX55)	1	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Tanks removed. Tier 2 overdue. Tier 1 submitted 10/14/99. Awaiting review.
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate Site	5	Admin. Order/Penalty	WW	Murphy	New violation letter sent 4/14/99
11/05/98	Jim Arenson Chevrolet		Permit Revisions	WS	Hansen	Compliance initiated WS installed disinfection equipment. WS needs to submit P & S for review by WS engineer and have equipment inspected by F.O. 1.
11/06/98	Barr Farm Venture and Mel Foster Co. Properties	6	Admin. Order/Penalty	WW	Murphy	Letter sent 9/7/99 regarding settlement
11/13/98	Cases General Stores, Inc (Johnston Store)	5	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Consent order with penalty finalized. Close upon payment.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/01/98	Underwood Motel	4	Admin. Order/Penalty	WS	Hansen	Sanitary survey completed by F.O. 4. Public notice posted.
12/01/98	Dyersville Golf & Country Club	1	Admin. Order/Penalty	WS	Murphy	Settlement offer 9/1/99.
12/07/98	Krauss Serene Wooded Acres	6	Admin. Order/Penalty	WS	Murphy	Settlement offer 9/1/99.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	Negotiating before filing.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
12/30/98	Farmland Industries, Eagle Grove	2	Permit Exemption Denial	AQ	Preziosi	Settled.
1/04/99	Duane Hanson d/b/a Cedar Valley Tire Recycling	1	Admin. Order/Penalty	SW	Tack	Cleanup continuing
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
1/29/99	Wareco Services, Inc.	6	Admin. Order/Penalty	UT	Wornson	Compliance nearly complete. Negotiating penalty.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	Settlement proposed 9/99.
2/10/99	Bawden Printing		Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/23/99	Dennis Sharkey, Sr.	1	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer pending. Hearing set for 12/17/99.
3/01/99	Williamsburg Manufacturing	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	Engineering report submitted 5/99; 8/99 - under review.
3/04/99	Paris & Sons; Thomas Paris	1	Admin. Order/Penalty	WW/HC	Wornson	Settlement reached. Penalty paid. Finalize settlement agreement..
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WS	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18 & 19/99. Settled. Administrative consent order with penalty agreed upon.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WW	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18 & 19/99. Settled. Administrative consent order with penalty and compliance schedule agreed upon.
3/16/99	Des Moines Independent School District - North High School	5	Site Registry	HC	Tack	Negotiating before filing
3/18/99	Ag Processing, Inc (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Hearing continued Second settlement meeting set for 18/18/99.
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/31/99	Woolstock, City of	2	Admin. Order/Penalty	WW	Hansen	Compliance initiated by City To be set for hearing regarding penalty.
4/08/99	Fayette County Sanitary Landfill	1	Admin. Order/Penalty	SW	Tack	Settlement reached with Fayette Co Hearing requested for Iowa Waste Systems.
4/09/99	Ivan Stoltzfus	5	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/15/99	Shine Bros. Corp.		SWA Denial	SW	Tack	Settlement offer pending.
4/15/99	Shenandoah, City of	4	Admin. Order/Penalty	WW	Murphy	Settlement offer 9/1/99.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	Negotiating before filing
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
4/28/99	Mid-County Water, Inc.	1	Admin. Order/Penalty	WS	Hansen	WS informed Dept sampling will be done as required during appropriate sampling period (June 1999).
4/30/99	Anthony's Resort	1	Admin. Order/Penalty	WS	Hansen	WS hired engineer to do engineering report with recommendations for correcting WS deficiencies.
5/06/99	Hargrave McEleney, Inc.	6	Admin. Order/Penalty	WS	Hansen	Amended order to be issued.
5/12/99	Lehigh Portland Cement Co. 99-A-225	2	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing
5/12/99	Lehigh Portland Cement Co. 99-A-179	2	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing
5/18/99	Horsley Specialties, Inc.	5	Admin. Order/Penalty	AQ	Brabeck	Negotiating before filing.
5/18/99	Snap-On-Tools Co.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.

5/27/99	CGB Printing aka Rock Communications	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/28/99	Flying J Inc.	5	Admin. Order/Penalty	WW/UT	Murphy	Negotiating before filing Settlement proposed by appellant 6/15/99.
6/28/99	Big Rock Country Club	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
6/28/99	Wilcox All-Pro Tools & Supply	5	Admin. Order/Penalty	WW	Tack	Hearing continued to 11/29/99.
6/28/99	Farmland Industries, Inc. (Eagle Grove)	2	Construction Permit Conditions	AQ	Preziosi	Settlement close.
7/13/99	Aaron Tolander	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
7/16/99	Fairfield, City of	6	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/23/99	Farmland Industries, Inc. (Carroll, Denison)	4	Permit Conditions	AQ	Preziosi	Settled.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin Order/Penalty	AQ	Brabeck	Sent to DIA.
8/04/99	Ashley Inn Motel and Trailer Court	2	Admin Order/Penalty	WS	Hansen	F O 2 inspection on 7/21/99. Letter received 9/27/99 regarding compliance with AO.
8/06/99	GKN Armstrong Wheels, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/10/99	Muscatine County Sanitary Landfill	6	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/11/99	Beatrice Group, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
8/19/99	Case Corporation	6	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/19/99	Brogan's Pub & Grub	1	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
8/25/99	Parker Industries	4	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/25/99	National By-Products, Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/07/99	Shine Bros. Corp.	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/08/99	Joe Denemark d/b/a Walnut Acres Campground	1	Admin Order/Penalty	WS	Wornson	Negotiating before filing
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/08/99	Fibre Body	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/09/99	Winneshiek County Memorial Hospital	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
8/13/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9-13-99	Dave & Theresa Cook d/b/a Curry Environmental Services	6	Admin Order/Penalty	AQ	Preziosi	Negotiating before filing
9-13-99	Stellar Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9-24-99	Lorene Logue; Willy Holmes; Todd Holmes	5	Admin Order/Penalty	AQ	Tack	Negotiating before filing
9-29-99	McGregor, City of	1	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
9-29-99	Armstrong, City of	3	Admin Order/Penalty	WS	Hansen	City has agreed to take action required by order for installation of treatment.
9/30/99	Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	1	Admin Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10-11-99	Kenny Habben	2	Admin. Order/Penalty	AQ	Tack	New case.
10-12-99	Fernald Water System	5	Admin. Order/Penalty	WS	Clark	New case.
10-12-99	Brown Bottle Restaurant	1	Admin Order/Penalty	WS	Hansen	New case. WS submitted preliminary engineering report regarding nitrate reduction. WS to install an ion exchange unit. Still need to submit construction permit applications and a schedule.
10-13-99	Camp Iodisca	6	Admin. Order/Penalty	WS	Clark	New case.
10-14-99	Crawfordsville, City of	6	Admin. Order/Penalty	WS	Murphy	New case.
10-15-99	Sac County Golf & Country Club	3	Admin. Order/Penalty	WS	Tack	New case.
10-19-99	Tara Hills Country Club	1	Admin. Order/Penalty	WS	Murphy	New case.
10-19-99	Dean Larsen (Martin Marietta)		Water Use Permit	WR	Clark	New case. Sent to DIA 10/21/99.
10-22-99	Barilla America, Inc.	5	Admin. Order/Penalty	AQ	Preziosi	New case.
10-22-99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	New case.
10-22-99	Parkersburg, City of	2	Admin. Order	WS	Hansen	New case.

Mr. Valde presented the routine monthly reports.

INFORMATIONAL ONLY

REGISTRY OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCE DISPOSAL SITES & HAZARDOUS WASTE REMEDIAL FUND ANNUAL REPORT - 1999

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Section 455B.427 of the Code of Iowa requires the Director of the Department of Natural Resources to transmit a report to the General Assembly and the Governor each January 1st regarding those sites listed on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites.

Section 455B.425 of the Code of Iowa requires the Director of the Department of Natural Resources to give a full account to the General Assembly and the Governor each January 1st regarding the Hazardous Waste Remedial Fund.

The 1999 report has been prepared to fulfill both of these obligations. This report will be submitted to the General Assembly and the Governor by January 1, 2000. The report is included for your information.

(A copy of the report is on file in the Department's Records Center)

Mr. Valde discussed the annual report noting this is the one that is due in January 2000.

Brief discussion followed.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION- -CHAPTER 22, REVISE CAP ON ANNUAL TITLE V OPERATING PERMIT FEES

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The attached Notice of Intended Action to amend Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code is being presented to the Environmental Protection Commission for decision.

By rule, Air Quality Bureau is required every March to provide the Commission a draft budget for the purposes of establishing the Title V Operating Permit fee. Emission estimates reported by industrial facilities are then used at the May Commission meeting to set the fee. The Commission is prohibited by rule from setting the fee higher than \$24 per ton without a formal rulemaking.

The purpose of this proposed revision is to change the \$24 maximum annual Title V Operating Permit fee from the current fixed dollar amount to a level that is specified in the Code of Federal Regulations to be the "presumptive minimum" annual operating permit fee necessary to effectively implement the Title V Operating Permit program. This "presumptive minimum" fee was first set in 1994 at \$25 per ton, and is adjusted annually by the consumer price index. The federally specified presumptive minimum fee is presently calculated at \$33.82 per ton.

The Commission will continue to be asked annually to approve the Title V fee as justified by the Air Quality Bureau's projected budget and the reported tonnage of air contaminant emissions. However, the maximum amount of the fee that can be assessed without specific rulemaking will also be annually adjusted.

This rule revision is necessary because the air quality program will utilize all of the carry-forward funds from past years during fiscal year 2000. Although the air program budget remains essentially unchanged for 2001, the transfer of 5 staff positions from state and federal grant funding to the more appropriate Title V fee funding and routine personnel cost increases have resulted in a projected need to increase the fees charged for fiscal year 2001. The anticipated fee that would need to be paid in 2001 would be approximately \$28 per ton.

Attached to this rulemaking is a spreadsheet showing the Air Quality Bureau budgets for state fiscal years (SFY) 2000 and 2001.

On November 9, 1999, the Air Quality Bureau will meet with Utility and Industry representatives to go over the SFY 2001 budget in detail. A similar discussion will be held with interested parties at the monthly "Client Contact" Meeting on Wednesday, November 10, 1999, at 1:00 p.m. at the Air Quality Bureau Offices at 7900 Hickman Road, Urbandale.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The purpose of this rule making is to change the maximum annual Title V Operating Permit fee that the Department can charge from the current fixed dollar amount of \$24 to a level that is specified in the Code of Federal Regulations to be the presumptive minimum annual operating permit fee necessary to effectively implement the Title V Operating Permit program. EPA annually adjusts this presumptive minimum fee by the consumer price index as provided for in the Code of Federal Regulations.

The Commission will continue to be asked annually to approve the Title V fee that is charged to permit applicants as justified by the Air Quality Bureau's projected budget and the reported tonnage of air contaminant emissions.

Due to the protracted timeframe necessary for any rule making, the proposal to adjust the maximum fee to an annually adjusted maximum would provide the Department and the Commission with additional flexibility for setting the annual fee to be charged permit applicants.

Item 1 revises the limitation of the Commission to set a Title V Operating Permit fee from the current fixed limit of \$24 per ton of actual emissions to level consistent with EPA's annually adjusted presumptive minimum fee necessary for the effective implementation of the program.

Any person may make written suggestions or comments on the proposed rules on or before January 14, 1999. Written comments should be directed to Doug Campbell, Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, Iowa 50322, fax (515) 242-5094.

A public hearing will be held at the conclusion of the comment period on January 14, 1999 at 1:00 p.m. in Conference Rooms 1 - 4 in the Air Quality Bureau's office at 7900 Hickman Road, Urbandale, Iowa, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility should contact the Department of Natural Resources to advise the Department of any specific needs.

This amendment may impact small business.

~~This amendment is intended to implement Iowa Code section 455B.133.~~

The following amendment is proposed.

Amend subrule 22.106(1) as follows:

22.106(1) Fee established. Any person required to obtain a Title V permit shall pay an annual fee based on the total tons of actual emissions of each regulated air pollutant, beginning November 15, 1994. Beginning July 1, 1996, Title V operating permit fees will be paid on July 1 of each year. The fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. The department and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee. The commission shall not set the fee higher than \$24 ~~per ton~~ on the annually adjusted presumptive minimum fee as provided for in 40 CFR Part 70.9 without adopting the change pursuant to formal rule making.

Date

Paul W. Johnson, Director

(A copy of the Air Quality Bureau Budget for SFY 2000 SFY 2001 is on file in the department's Records Center)

Chairman Ehm noted that this item was tabled at the last meeting and needs to be removed from the table.

Motion was made by Terrance Townsend to remove from the table the Notice of Intended Action-Chapter 22, Revise Cap on Annual Title V Operating Permit Fees. Seconded by Elizabeth Christiansen. Motion carried unanimously.

Mr. Valde reported that staff met with a group specific to the Title V Fees, most of them being from the utilities. He related that staff also met with the Client Contact Group. He distributed copies of a list showing tons of emissions and comparison of fees with various cap scenarios.

He explained the differences in the amount companies would pay under various caps. He noted that the revenue needed to run the program next year is \$6,403,000, which would result in \$28.03/ton. Mr. Valde reviewed the Air Quality Budget for SFY 2000 and SFY 2001. He pointed out that in the past there were carry-over funds each year and there is no longer any carry-over. He noted that the rules now require the tonnage fee to be set at \$23.10/ton and next year \$28.03/ton would be needed. Mr. Valde stated that the rule proposal is to raise it to the federal presumptive minimum, which is \$33.82/ton. He related that among the groups staff met with ~~there is no unanimous agreement to raise the cap to the federal presumptive minimum.~~ He added that most of the people at the meetings would be more comfortable raising the fee to a fixed number, rather than a number that will rise with inflation each year. He related that there is a considerable amount of interest from the utilities to revise the rules on the structure of the rule itself, adding that there are various ways to restructure the fees.

Elizabeth Christiansen asked if the Commission sets the fee at a specific number and the staff go back and work with industry, then come back with consensus on another number, what would the Commission do at that time.

Mr. Valde explained that this rule sets the cap, not the fee for next year, and when the Commission sets the fee in the spring it does not require rulemaking. He related that staff would later on initiate a new rulemaking to look at the complete fee structure.

Rozanne King inquired whether it was the Department, or federal government, or the regulated community who requested the original rule setting a cap.

Mr. Valde noted that in the Federal Register there were suggestions, not requirements, in the Title V documents that suggested caps. He related that in Iowa the Department worked with a user advisory group to develop the fee structure. He noted that EPA established a presumptive minimum, which was the number they believed you could not be below and adequately support the Title V program.

Appointment – Jack Clark (Title V fees)

Jack Clark, Iowa Utility Association, reviewed that last month he expressed concern about the level of fees and requested a meeting with Department staff. He related that he met with staff, who provided budget information that was very helpful. He noted that the increase in the budget was because of the surplus being used up, and one million dollars has to be made up this year. Mr. Clark stated that the IUA has been remiss in not staying quite as close to the budget and quarterly reports since the Client Contact Group expanded to other subjects. He related that they thought it was a very significant increase and it came without a lot of communication from staff. Mr. Clark indicated that they anticipated from previous communications, from the prior administration, that the fee was going to continue at about the same level. He asked the Commission to take a good look at the information, noting that there is a short-range problem, which is this rulemaking and next year's budget. He related that there is a long-range issue regarding what is fair in regard to the fee. Mr. Clark stated that the Department is entitled to

recoup all of their fees from the users for the cost of operating the Title V permit program, but in a five year period it has moved from "no fees" to two-thirds of the air quality budget. He related that there were some questions about how some things are allocated to the Title V program, one of those being construction permits. He stated that out of 400 permit holders, 300 of them pay less than one-tenth of the cost of the program and that needs to be reviewed. Mr. Clark noted that the IUA members would prefer to see the Commission establish a set level this year at approximately \$29/ton, and then have further discussion for restructuring the fee.

Appointment – Elizabeth Henderson (Title V fees)

Elizabeth Henderson, Association of Business and Industry, addressed the Commission noting that she represents both small and large users who pay small and large amounts of Title V fees. She distributed and read the following written statement:

"The Iowa Association of Business and Industry appreciated the opportunity to meet with Mr. Valde and Mr. Hamlin to try to ascertain the need for the requested increase in the Title V fee cap. After additional discussion with ABI members not present at the November 9 meeting and with the ABI Board of Directors November 10, the Association maintains its objection to an increase in excess of 20 percent.

The primary reason given for the need to increase the fee cap is because the carry forward funds will be spent down by the end of the current fiscal year. This operational issue alone is not justification for such a lasting increase, especially when it appears that Title V fees are still funding more than just the Title V program. It is ABI's position that business and industry should not shoulder the entire burden of such a large increase in one year with no obvious benefit.

The Association understands that the actual fee will be set in March of 2000, and will continue working with the Department to find a mutually agreeable solution to the funding deficit."

Director Johnson asked what would happen if the fees were not raised at all.

Mr. Valde responded that the Department would not have enough revenue to pay the people on the Title V staff.

Ms. Henderson noted that there are still some construction permit funding sources being paid for out of the Title V fees, and if those were not in there, there would be more flexibility in the Title V area.

Director Johnson asked if ABI is suggesting that the Department should charge for construction permits to cover those costs.

Ms. Henderson replied "no, not at this time."

Pete Hamlin stated that if the fees are not increased, EPA could take a hard look at the State's Title V program and he is not sure what the outcome would be.

Ms. Henderson stated that one of the primary concerns of the ABI board was the rate of increase and what would happen once you start down that road.

Catherine Fitzsimmons, Air Quality Bureau, pointed out that the Department has a good track record in keeping the fee down.

Mr. Valde explained that the program is not hiring more or spending more, but the difference is in the amount that is no longer being carried over.

Director Johnson commented that the Air Quality Bureau has done as well as any bureau in the Department on working with business and industry. He added that many of the services the Department provides are done without charging any fees at all.

Elizabeth Christiansen stated that she received some questions about this issue and since Linn County has its own air monitoring program she visited with them. She noted that they have one staff person for 18 facilities and they are very busy. She related that the Linn County Board of Supervisors wrote a letter to the Commission speaking to the need for some increase in the fees, recognizing it would help support additional staff, or at least would be a way to sustain the program. They also mentioned that the Department should not overlook the pollution prevention mechanism that fees can provide. She related that it is a significant increase but if the desire is to have a quality program and good turn around time, it is an issue to be concerned about.

Motion was made by Terrance Townsend to revise the cap to \$29/ton set fee at this time. Seconded by Elizabeth Christiansen. Motion carried unanimously.

APPROVED \$29/TON CAP

NOTICE OF INTENDED ACTION - - CHAPTER 23, ADOPTION BY REFERENCE OF NESHAPS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The attached Notice of Intended Action to amend Chapter 23, "Emission Standards for Contaminants", 567 Iowa Administrative Code is being presented to the Environmental Protection Commission for approval.

The purpose of this rulemaking is to adopt by reference 13 national emission standards for hazardous air pollutants (NESHAPs) that were promulgated by EPA for the following source categories: Portland cement manufacturing, phosphoric acid manufacturing, phosphate fertilizer

production, wool fiberglass manufacturing, generic maximum achievable control technology, oil and gas production, natural gas transmission and storage, pesticide active ingredients production, ferroalloys production: ferromanganese and silicomanganese, polyether polyols production, steel pickling—HCL process facilities and hydrochloric acid regeneration plants, mineral wool production, and primary lead smelting.

This rulemaking proposal also includes adoption by reference of 4 new generic emission control standards that will be referenced in future rulemakings. The 4 generic emission control standards relate to: closed vent systems, control devices, recovery devices and routing to a fuel gas system or a process; equipment leaks-control level 1; equipment leaks-control level 2; and storage vessels (tanks) – control level 2.

Adoption of these federal standards by the Department will allow for state implementation of the regulations, make the State's administrative rules consistent with the federal requirements and will not impose any additional requirements on the regulated industries.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 23, "Emission Standards for Contaminants", 567 Iowa Administrative Code.

The purpose of this rule making is to adopt by reference 13 national emission standards for hazardous air pollutants (NESHAPs) and 4 generic national standards for emission control that were promulgated by the Environmental Protection Agency.

Item 1 updates the reference to 40 CFR 63 through June 29, 1999, and corrects a rule citation. Part 63 was amended through this date by the promulgation of 13 national emission standards for hazardous air pollutants and 4 generic standards for emission control.

Item 2 adopts by reference new NESHAPs that were promulgated for: Portland cement manufacturing, phosphoric acid manufacturing, phosphate fertilizer production, wool fiberglass manufacturing, generic maximum achievable control technology, oil and gas production, natural gas transmission and storage, pesticide active ingredients production, ferroalloys production: ferromanganese and silicomanganese, polyether polyols production, steel pickling—HCL process facilities and hydrochloric acid regeneration plants, mineral wool production, and primary lead smelting. Item 2 also adopts by reference new generic emission control standards that will be referenced in future rulemakings. The 4 generic emission control standards relate to: closed vent systems, control devices, recovery devices and routing to a fuel gas system or a process; equipment leaks-control level 1; equipment leaks-control level 2; and storage vessels (tanks) – control level 2.

ITEM 1. Amend subrule 567—23.1(4) (455B), introductory paragraph, as follows:

23.1(4) *Emission standards for hazardous air pollutants for source categories.* The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended through ~~December 28, 1998~~ June 29, 1999, are adopted by reference, except 40 CFR §§63.6(g) and (h)(9), 63.7(c)(2)(i), 63.7(3)(e)(2)(ii) and (f), 63.8(f), 63.10(f), 63.12, 63.14, 63.15, 63.40(a), 63.42(a), (b), 63.43(c), (f)-(m), 63.177, 63.560(b), (e)(2), (3), and 63.562(c), (d), 63.772, 63.777, 63.1282, 63.1287, 63.1157, 63.1158, 63.1161(d)(1), 63.1162(a)(2) through 63.1162(a)(5), 63.1162(b)(1) through 63.1162(b)(3), and 63.1165 and shall apply to the following affected facilities. The corresponding 40 CFR Part 63 Subpart designation is in parentheses. 40 CFR Part 63 Subpart B incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (Fbio) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purpose of this subrule "Hazardous air pollutant" has the same meaning found in 567--22.100(455B). For the purposes of this subrule a "major source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule an "area source" means any stationary source of hazardous air pollutants that is not a major stationary source as defined in this paragraph. Paragraph 23.1(4)"a," general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

ITEM 2. Amend subrule 567—23.1(4) and add new paragraphs as follows:

~~z. to ab.~~ Reserved.

aa. Emission standards for hazardous air pollutants for phosphoric acid manufacturing. These standards apply to all new and existing, major sources of phosphoric acid manufacturing. Affected processes include, but are not limited to wet process phosphoric acid process lines, superphosphoric acid process lines, phosphate rock dryers, phosphate rock calciners, and purified phosphoric acid process lines. (Subpart AA)

ab. Emission standards for hazardous air pollutants for phosphate fertilizers production. These standards apply to all new and existing, major sources of phosphate fertilizer production plants. Affected processes include, but are not limited to diammonium and/or monoammonium phosphate process lines, granular triple superphosphate process lines, and granular triple superphosphate storage buildings. (Subpart BB)

~~ah. Reserved~~ Emission standards for hazardous air pollutants for oil and natural gas production. These standards apply to all new and existing, major sources of oil and natural gas production. Affected sources include, but are not limited to processing of liquid or gaseous

hydrocarbons, such as ethane, propane, butane, pentane, natural gasoline, and condensate that are extracted from field natural gas. (Subpart HH)

al. to ~~bf~~ ar. Reserved.

as. Emission standards for closed vent systems, control devices, recovery devices and routing to a fuel gas system or a process. These provisions apply when another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4) “a”, general provisions, (Subpart A) do not apply to this paragraph except as specified in a referencing paragraph. (Subpart SS)

at. Emission standards for equipment leaks-control level 1. These provisions apply to the control of air emissions from equipment leaks for which another paragraph under this rule references the use of this paragraph for such emission control. These air emission standards for equipment leaks are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4) “a”, general provisions, (Subpart A) do not apply to this paragraph except as specified in a referencing paragraph. (Subpart TT)

au. Emission standards for equipment leaks-control level 2 standards. These provisions apply to the control of air emissions from equipment leaks for which another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards for equipment leaks are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4) “a”, general provisions, (Subpart A) do not apply to this paragraph except as specified in a referencing paragraph. (Subpart UU)

av. Reserved.

aw. Emission standards for storage vessels (tanks)-control level 2. These provisions apply to the control of air emissions from storage vessels for which another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards for storage vessels are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4) “a”, general provisions, (Subpart A) do not apply to this paragraph except as specified in a referencing paragraph. (Subpart WW)

ax. Reserved.

ay. Emission standards for hazardous air pollutants: generic maximum achievable control technology (Generic MACT). These standards apply to new and existing, major sources of acetal resins (AR) production, acrylic and modacrylic fiber (AMF) production, hydrogen fluoride (HF) production, and polycarbonate (PC) production. Affected processes include, but are not

limited to producers of homopolymers and/or copolymers of alternating oxymethylene units, acrylic fiber, modacrylic fiber synthetics composed of acrylonitrile (AN) units, hydrogen fluoride, and polycarbonate. (Subpart YY)

az. to bb. Reserved.

bc. Emission standards for hazardous air pollutants for steel pickling-- HCL process facilities and hydrochloric acid regeneration plants. Unless exempted, these standards apply to all new and existing, major sources of hydrochloric acid process steel pickling facilities and hydrochloric regeneration plants. Affected processes include, but are not limited to equipment and tanks configured for the picking process, including the immersion, drain, and rinse tanks, and hydrochloric regeneration plant. (Subpart CCC)

bd. Emission standards for hazardous air pollutants for mineral wool production. These standards apply to all new and existing, major sources of mineral wool production. Affected processes include, but are not limited to cupolas and curing ovens. (Subpart DDD)

be. to bf. Reserved.

bh. ~~Reserved.~~ Emission standards for hazardous air pollutants for natural gas transmission and storage. These standards apply to all new and existing, major sources of natural gas transmission and storage. Natural gas transmission and storage are facilities that transport or store natural gas prior to entering the pipeline to a local distribution company. Affected sources include, but are not limited to mains, valves, meters, boosters, regulators, storage vessels, dehydrators, compressors, and delivery systems. (Subpart HHH)

bk. Reserved.

bl. Emission standards for hazardous air pollutants for Portland cement manufacturing operations. These standards apply to all new and existing, major and area sources of portland cement manufacturing unless exempted. Cement kiln dust (CKD) storage facilities, including CKD piles and landfills, are excluded from this standard. Affected processes include, but are not limited to all cement kilns and in-line kiln/raw mills, unless they burn hazardous waste. (Subpart LLL)

bm. Emission standards for hazardous air pollutants for pesticide active ingredient production. These standards apply to all new and existing, major sources of pesticide active ingredient production that manufacture organic pesticide active ingredients (PAI), including herbicides, insecticides, and fungicides. Affected processes include, but are not limited to processing equipment, connected piping and ducts; associated storage vessels, pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, and connectors. Exempted sources include research and development facilities, storage vessels already subject to other 40 CFR Part 63 NESHAP, production of ethylene, storm water from segregated sewers, water from fire-fighting and deluge systems (including testing of such systems), and various spills. (Subpart MMM)

bn. Emission standards for hazardous air pollutants for wool fiberglass manufacturing. These standards apply to all new and existing, major sources of wool fiberglass manufacturing. Affected processes include, but are not limited to all glass-melting furnaces, rotary spin (RS) manufacturing lines that produce bonded building insulation, flame attenuation (FA) manufacturing lines producing bonded pipe insulation, and new FA manufacturing lines producing bonded heavy-density products. (Subpart NNN)

bo. Reserved.

bp. Emission standards for hazardous air pollutants for polyether polyols production. These standards apply to all new and existing, major sources of polyether polyols. Polyether polyols are compounds formed through polymerization of ethylene oxide, propylene oxide, or other cyclic ethers with compounds having one or more reactive hydrogens to form polyethers. Affected processes include but are not limited to storage vessels, process vents, heat exchange systems, equipment leaks, and wastewater operations. (Subpart PPP)

bq. to bs. Reserved.

bt. Emission standards for hazardous air pollutants for primary lead smelting. These standards apply to all new and existing, major sources of primary lead smelting. Affected processes include, but are not limited to sinter machines, blast furnaces, dross furnaces, and process fugitive sources. (Subpart TTT)

bu. to bw. Reserved.

bx. Emission standards for hazardous air pollutants for ferroalloys production: ferromanganese and silicomanganese. These standards apply to all new and existing, major sources of ferroalloys production of ferromanganese and silicomanganese. Affected processes include, but are not limited to submerged arc furnaces, metal oxygen refining (MOR) processes, crushing and screening operations, and fugitive dust sources. (Subpart XXX)

Any person may make written suggestions or comments on the proposed rules on or before January 14, 2000. Written comments should be directed to Doug Campbell, Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, Iowa 50322, fax (515) 242-5094.

A public hearing will be held at the conclusion of the comment period on January 14, 2000, at 10:00 a.m. in Conference Rooms 1-4 in the Air Quality Bureau's office at 7900 Hickman Road, Urbandale, Iowa, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility should contact the Department of Natural Resources to advise the Department of any specific needs.

This amendment may impact small business.

This amendment is intended to implement Iowa Code section 455B.133.

The following amendment is proposed.

Date

Paul W. Johnson, Director

~~Mr. Valde reviewed the rules noting that they will make the Department rules consistent with federal regulations.~~

Motion was made by Kathryn Murphy to approve Notice of Intended Action—Chapter 23, Adoption by Reference of NESHAPS. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

REVISION OF STATE IMPLEMENTATION PLAN FOR PM₁₀ FOR MASON CITY

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve for submittal to EPA, a revision of Iowa's State Implementation Plan (SIP) for particulate matter of less than 10 microns size (PM₁₀) for Mason City, Iowa.

Monitored exceedances and resultant violations of the 24-hour National Ambient Air Quality Standards (NAAQS) for PM₁₀ occurred at a Mason City monitoring site in 1993, 1994, 1995 and 1996. In 1993 three NAAQS exceedances occurred. In 1994, 1995 and 1996 one exceedance occurred each year. If the three year average calculated exceedance value is greater than 1.0, a violation of the NAAQS has occurred.

The Department, in conjunction with the affected industries, two Portland cement manufacturing companies, have discussed and reviewed various options for reducing the PM₁₀ contributions from the sources. A plan, including the commitments from the facilities, has been developed by this joint effort and is the basis for IDNR's revision to the PM₁₀ State Implementation Plan (SIP).

The attached plan describes the enforceable administrative consent orders issued by the department that will significantly reduce the contributions of PM₁₀ sources to the ambient air. These measures are specifically designed to help reduce the amount and ambient impact of PM₁₀ emissions. Copies of the complete proposed SIP revision are available at the IDNR, Air Quality Bureau's office in Urbandale.

A public hearing to receive comments on the proposed SIP revision was held on October 14, 1999, and a 30-day public comment period, which ended October 21, 1999, was provided to allow for public participation. No oral or written comments were received.

(A copy of the SIP is on file in the Department's Records Center)

Mr. Valde discussed details of the SIP with the Commission.

Brief discussion followed regarding the amount of work done on the SIP and the time involved to get it done.

Motion was made by Terrance Townsend to approve the State Implementation Plan for PM₁₀ for Mason City. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the following 11 contracts for nonpoint source (NPS) pollution control projects.

The contracts with IDALS/DSC are for projects to be funded by the FFY99 Section 319 grant, contingent upon award of the EPA grant funds. The contracts with Iowa State University will use funds from the FFY99 grant as well as the FFY96 grant. These EPA grants were awarded specifically to be used for these projects. Funding from other state and federal programs is also being used to support these projects. Most of these projects are multiple year projects and Commission approval is being sought to award contracts for each year of the entire project period.

The project costs (i.e., Section 319 funds to be provided for the entire project period), project descriptions, and the activities supported are provided below.

Contracts with the Iowa Department of Agriculture and Land Stewardship-Division of Soil Conservation (IDALS/DSC):

- **Rock Creek Watershed Improvement Project, \$125,000** – This contract will support a two-year extension of an ongoing watershed project not currently being funded by Section 319. This project is intended to protect and improve the water quality of Rock Creek Lake in Jasper County. Reduction of sediment and nutrient delivery to the lake will be accomplished through the implementation of best management practices (BMPs) such as grade stabilization structures, grassed waterways, livestock exclusion, streambank stabilization, alternative water

supplies, terraces and road structures. In addition, a comprehensive information and education program will be implemented. Contract funds will be used to support the project coordinator, the I&E program, and provide financial incentives for implementation of BMPs.

- **Lake Rathbun Information/Education Program, \$80,000** – This contract will support a two-year information and education program that will complement and support current and future efforts to reduce the impact of agricultural nonpoint and point sources of water quality impairment in Rathbun Lake. Project activities will include the implementation of field demonstration of best management practices (BMPs) for cropland, pasture, hayland, and woodland; conducting workshops for these BMPs; creating a web page to inform the public about the Rathbun Lake watershed activities; complete the final two years of a three year baseline water quality monitoring program; and to conduct a survey of the farm operations in the watershed. Contract funds will be used to support these activities, in addition to the development of water quality fact sheets.
- **Water Quality in Rathbun Lake: On road Structure Training and Demonstration, \$175,000** – This contract will support a two-year project to develop, organize, and conduct pilot training courses for the planning, design, construction, and maintenance of on-road water control and sediment structures. The targeted audience will include county engineers and their staff, IDALS/DSC and SWCD personnel, and others. The increased use of these structures throughout the Rathbun Lake watershed will complement current and future water quality protection efforts. Contract funds will be used to support information and education materials, in addition to financial incentives for construction of the on-road structures.
- **Little Mill Creek Water Quality Project, \$165,911** – This is a three-year extension of a project that was not previously funded by Section 319. This is a project to protect and improve the water quality of Little Mill Creek, a coldwater trout stream in Jackson County, by implementing Best Management Practices (BMPs) within the stream's watershed to reduce the amount of sediment, nutrients, pesticides, and animal wastes entering Little Mill Creek. BMPs to be implemented include: water and sediment control basins and structures, streambank stabilization, nutrient and pest management, ag waste facilities, livestock exclusion, timber stand improvement and conservation planning. In addition, a comprehensive public information and education program will be incorporated into the project. Contract funds will be used to support salary and benefits for the project coordinator, and financial incentives for the BMPs.
- **Twin Springs Water Quality Project, \$167,959** – This is a new three year project to protect and improve the water quality of Twin Springs, a coldwater trout stream in Winneshiek county. Best Management Practices (BMPs) will be implemented within the stream's watershed to reduce the amount of sediment, nutrients, animal wastes, and pesticides from entering either surface water or groundwater resources. BMPs to be implemented include: water and sediment control basins, streambank stabilization, nutrient and pest management, ag waste facilities, livestock exclusion, timber stand improvement, rotational grazing, rock crossings, terraces, conservation planning, etc. In addition, a comprehensive public

information/education and a water quality monitoring program will be incorporated into the project. Contract funds will be used to support salary and benefits for the project coordinator, and financial incentives for the BMPs.

- **Rock Valley Wellhead Protection Project, \$150,000** – This is a new three-year project to reduce the nitrate levels of the drinking water source for the town of Rock Valley in Sioux county. Best Management Practices will be implemented to reduce the nitrate impact, which is the major contaminant of concern. Promoting all aspects of continuous CRP signup (wellhead protection, filter strips, riparian buffers, and waterways) will be given a major emphasis, in addition to implementation of the following BMPs: nutrient and pest management, animal waste structures, and terraces. Contract funds will be used to support part-time staff to provide seeding services and financial incentives for BMPs.
- **Duck Creek Watershed Management Project, \$64,500** - This is a two-year extension of a project that was not previously funded by Section 319. This project will protect and improve the water quality of Duck Creek in Scott county through public outreach activities and conservation practice installation and design in rural and urban areas of the watershed. The urban aspect of the project will address: construction site erosion controls, storm water runoff, and urban Best Management Practices. The rural component will address reduction of nutrient, chemical and soil runoff in the watershed. Contract funds will be used to support a project coordinator and the public information/education activities.
- **Bear Creek Watershed Project, \$100,000** – This is a new one-year project, which will be coordinated with the Bear Creek Project developed under authority of federal law PL-566. This project will protect and improve the water quality of Bear Creek in Winneshiek County through the installation of flood and sediment control structures. Construction of the proposed structures will significantly reduce the impacts of sediment to Bear Creek. Contract funds will be used to support construction of three Floodwater Detention Structures.
- **Clear Lake Enhancement and Restoration Project - \$41,000** – This contract will support a one year extension of an ongoing project. This is a project to protect and improve the water quality of Clear Lake in Cerro Gordo and Hancock counties by identifying sources of and reducing nutrient and bacteria loadings to the lake. The contract with DCS will provide \$41,000 of the Section 319 grant to the project for support of the project coordinator, associated travel and training costs, and public information and education materials.

Contracts with Iowa State University:

- **Clear Lake Enhancement and Restoration Project, ISU Agriculture and Home Economics Experiment Station, \$13,000** – This will be an amendment to an existing contract to provide an additional \$13,000 to support soil sampling activities in the Clear Lake Watershed, which will be conducted as part of the ongoing comprehensive water quality monitoring program for Clear Lake. The existing contract provided \$50,000 for that purpose.

- **BMP Promotion in Northeast Iowa USDA Water Quality Projects, ISU Extension, \$57,348** - This is the final year of a multi year project to promote the voluntary adoption of crop and livestock BMPs to protect surface and groundwater resources in a four county area of northeast Iowa. The contract will allow the continuation of the Northeast Iowa Demonstration Water Quality Project which was begun in 1992. Contract funds will be used to support a part-time Communications Specialist and other miscellaneous expenses of the project. The duties of the specialist will be to accelerate voluntary adoption of BMPs through such means as bi-monthly project newsletters, multi-media campaigns, and improved project information and education materials.

Mr. Valde gave a brief explanation of the various projects.

Discussion took place regarding available funds for the contracts. Director Johnson noted that these are very often matching funds. He related that the water quality monitoring project in NE Iowa was one of these types of projects.

Motion was made by Elizabeth Christiansen to approve the Nonpoint Source Pollution Control Project Contracts. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

WELLHEAD PROTECTION PLAN

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commisison will be asked to provide final approval for the Iowa Wellhead Protection Plan. Copies of the plan were provided to Commision members at the October meeting or mailed shortly thereafter.

The Safe Drinking Water Act Amendments of 1996 authorize the Department to set up a voluntary program designed to help public water supplies prevent contamination of their water supply through the identification and management of a wellhead protection zone. The Iowa Wellhead Protection Plan provides water suppliers with the information they need to develop a wellhead protection plan. The plan further explains how public water supply systems are to identify the surface and subsurface areas that contribute water to their water wells.

The plan was developed with the assistance of a thirty-four person Wellhead Protection Advisory Panel. Public hearings were held in Des Moines, Iowa City, and LeMars. Written and oral comments received and the responses to the comments are summarized in the Responsiveness Summary, which is Appendix C of the Plan. The comments resulted in only minor modifications to the plan.

Upon Commission approval, the Wellhead Protection Plan will be disseminated to Iowa's public water supplies as part of the Department's source water protection program outreach strategy. An overall source water protection plan will be submitted to the Commission for approval when it is completed within the next few months and the Wellhead Protection Plan will be a component of the source water protection plan.

Mr. Valde presented details of the plan.

Motion was made by Kathryn Murphy to approve the Wellhead Protection Plan as presented. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

CLEAN WATER STATE REVOLVING FUND (CWSRF) INTENDED USE PLAN – FY 2000

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided a copy of the draft Intended Use Plan for FY 2000 for the Clean Water State Revolving Fund (CWSRF). The FY2000 CWSRF capitalization grant will equal the FY99 grant and the draft IUP has been based on this level of funding. Loan applications have been received and reviewed and the draft IUP contains a list of wastewater projects that would be funded with FY2000 SRF funds.

A public meeting will be scheduled to allow opportunity for public input on the proposed IUP as required by federal regulation. Following the hearing, a final IUP will be presented to the commission for approval.

(A copy of the IUP is on file in the Department's Records Center)

Mr. Valde reviewed the SRF-IUP with the Commission and noted it will come back for Commission approval following the public hearing.

INFORMATIONAL ONLY

INTERAGENCY AGREEMENT – POLK COUNTY AIR QUALITY DIVISION PROGRAM

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached interagency agreement between the Department and the Polk County Board of Supervisors. This agreement sets forth each agency's

role in the ongoing implementation of the Polk County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The duties of the Polk County Air Quality Division staff include reviewing applications and issuing permits for the construction of new air pollution sources, monitoring ambient air quality, performing inspections; and reviewing and drafting final Title V operating permits.

The agreement is for the period of July 1, 1999 through June 30, 2000. The agreement costs will not exceed the following amounts for the air contaminant fund: Variable costs - \$287,213 and one-time costs - \$12,000. Agreement costs will not exceed the following amounts for 105 Federal Grant: Variable costs - \$109,613, and one-time costs - \$8,000. Agreement costs will not exceed the following amounts for 103 Federal Grant: Variable costs - \$39,896. Maximum contract amount is \$456,721 which this year includes the 105 Federal Grant compared to last year.

The agreement amount for last year was four fixed payments from the air contaminant fund, totaling \$314,000, and a variable amount totaling \$7,200. The 103 Federal Grant was \$74,745 and was distributed in three equal payments of \$24,915. The maximum contract amount for last year was \$388,745. The agreement for July 1, 1998 through June 30, 1999, did not include the 105 Federal Grant.

Mr. Valde presented details of the agreement. Catherine Fitzsimmons distributed copies of the agreement to the Commission.

Discussion followed regarding the number of staff at Polk County in comparison with the number at Linn County.

Motion was made by Rozanne King to approve the Interagency Agreement for the Polk County Air Quality Program. Seconded by Terrance Townsend. Motion carried unanimously.

Gary Priebe asked if Linn and Polk counties do their own monitoring because they are so big.

Mr. Valde stated that the counties can ask to have the program delegated to them and Polk and Linn did so, and it was subsequently delegated to them.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss the matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

a. Albert Fleming (Clayton County) - flood plain

Mr. Murphy stated that staff will withdraw this request for referral as Mr. Fleming has agreed to work with the Department to resolve the matter.

REFERRAL WITHDRAWN

LEGISLATION PACKAGE - 2000

Paul Johnson, Director, presented the following item.

Department staff and the Director continue to work on legislative proposals for consideration by the 2000 General Assembly. Draft bills need to be to the Legislative Service Bureau by November 29, 1999. While discussions and drafting continue at this time, listed below are proposals in general terms that the EPC is asked to consider and support. Staff will be present to respond to questions about these proposals.

- Proposed manure management requirements – equal responsibility in contract feeding operations with owner(s) and contract growers, limit the use of phosphorous where phosphorous is an impairment to surface water quality, nutrient management plans for those agricultural operations where nutrients are the cause of water quality impairment and animal feeding operations producing manure to have a manure management plan.
- Proposed permit changes – create a three year limit on construction permits for animal feeding operations, require each AFO site to post signage with name and telephone of a contact person, require registration of all existing feedlots and CAFOs and for all new construction (prior to construction) after July 1, 2000, and amend the current mandated separation distances by using the existing offsets as a minimum with greater distances to apply to high quality waters, unique natural areas, and other sites as determined by DNR rules, set separation distances from streams and tile intakes for all applications of manure, not just those surface applied. Prohibit basin, lagoon, or tank construction for animal waste storage in the flood plain.
- Funding – create an Environmental Protection Fund that would be the repository for various environmental permit fees, and review permits that are currently issued at no cost and

determine if fees should be established, and increase the fees for generation, storage, and transportation of hazardous waste.

Mr. Valde noted that the Code of Iowa gives the Department authority to charge permit fees and the Department is faced with not being able to support some of the programs. He related that if the fees that are being charged could go into an Environmental Protection Fund rather than the General Fund it would be beneficial to all of the programs. He related that Floodplain Permits and NPDES Permits are currently backlogged six months.

- Certified Environmental Auditors – change the current law for persons wanting to do environmental audits from requiring certification to registration of those doing audits.
- Special Waste Authorizations – eliminate the departments role and allow local landfill operators the authority to determine whether any special disposal measures are needed.
- Groundwater Hazard Statement – amend to include a statement regarding the provision of water supply and wastewater treatment for property or residence at the time of sale.
- State Environmental Policy Act – develop a system to focus attention on particular environmental issues that need to be considered prior to development.
- Protected Waters Area – add more meaningful authority and protection on those waters that are listed as protected water areas.
- Administrative Penalties – increase the cap from \$10,000 to \$25,000 to allow the department to address the more serious violations with Administrative Orders, and increase our maximum penalty for water, air, and solid waste violations from \$5,000 per day to \$27,500 per day, the same as the EPA limit.
- Solid Waste Cleanup – provide authority to the department to require the removal of waste which results from open dumping on private lands.
- Septage Waste Haulers – certification of haulers and restrictions on treatment plants to require accepting waste from non-certified haulers.
- On-Site Wastewater Systems - provide for state or local permitting of on-site wastewater treatment systems, and require the inspections of on-site wells and wastewater treatment systems at the time of sale.
- AFOs – support the Governor's bill from the 1999 session allowing for local input on the siting of AFOs.

Director Johnson discussed in detail the above listed legislative proposals. He noted that Wayne Gieselmann is in charge of the Animal Confinement Permit Team and he asked those staff

to present some ideas for legislation, and some of those ideas are presented here. Director Johnson noted that a healthy debate is needed on these issues.

Roya Stanley stated that several legislative proposals were not on included on the list and she provided the following items to be added:

- Add the Solid Waste Tonnage Fee to all transfer stations, including mobile transfer stations.
-
- Charge a permit fee to facilities that are receiving services but not paying a permit fee or solid waste tonnage fee.
 - Increase funds for household hazardous materials collection centers by assessing a generator fee.
 - Include transfer stations and mobile transfer stations in the portion of the law that requires local siting procedures.
 - Increase of \$1,000,000 to the tire fund for a total of \$2,000,000.

INFORMATIONAL ONLY

GENERAL DISCUSSION

Chairman Ehm thanked Rozanne King for handling the meeting arrangements today.

Elizabeth Christiansen reviewed that at the last meeting Chairman Ehm asked her to follow up on correspondence the Commission received regarding a proposed camp development on Corps of Engineers land near Coralville. She noted that she spoke with Patricia Dice from the COE, and in their land use plan around the reservoir the Corps has set aside approximately 105 acres for lease to non-profit organizations. For some years the Girls Scouts used it and when their lease expired they chose not to renew it. The COE then sent out notice to non-profit organizations and received two viable proposals from two youth groups. The COE review committee selected MYCA, who is proposing to do some construction there. As part of the lease activity the COE has to conduct an environmental assessment. Commissioner Christiansen related that she asked that the Commission be put on the mailing list to receive a copy of the environmental assessment.

Gary Priebe commented on a letter the Commissioners received from the ICCI in regard to the Commission plan to tour Milk Unlimited. He noted that he hopes the Commission does not allow groups or organization to determine what facilities the Commission can or cannot tour. He related that he hopes it does not influence the Commission's objectivity, adding that he does not like the inference of the letter. He commented that the Commission should tour factory farms or other large organizations so they will know what the Department rules and regulations are doing.

Director Johnson stated that he agrees with Commissioner Pribe that the letter was in bad taste and it is a sad time in our democracy when we are afraid because we are not politically correct to deal with these issues. He added that it is important to look at all of the people and programs going on and we should not let that process deter us from understanding all we can about the environment in the state.

NEXT MEETING DATES

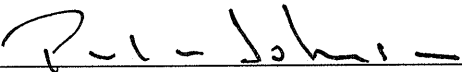
December 20, 1999

January 18, 2000 (Tuesday)

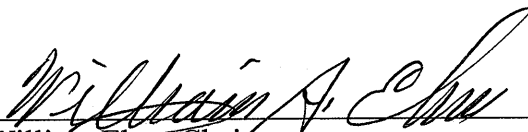
February 21, 2000

ADJOURNMENT

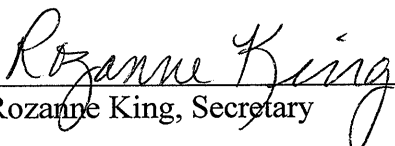
With no further business to come before the Environmental Protection Commission, Chairperson Ehm adjourned the meeting at 3:25 p.m., Monday, November 15, 1999.



Paul W. Johnson, Director



William Ehm, Chair



Rozanne King, Secretary

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